

Exhibit 12 - Old Receiver Band
Frederick, Md. 21701

March 6, 1977

Mr. Jack Kershaw
3710 Leland Ave.
Nashville, Tenn. 37204

Dear Mr. Kershaw:

A news story in this morning's Washington Post including direct and indirect quotations of you troubles me deeply in a number of ways, from the saying about fools rushing in to the finding of the sixth circuit court of appeals about lawyers seeking to commercialize a sensational case. One of the reasons I write is to ascertain the accuracy of the words attributed to you.

I want you to understand that what is attributed to you is defamatory of Jim Loner and me for certain and probably of Bud Fensterwald. This is where you say Ray was not permitted to "testify under oath about his conspiracy claims nor to name conspirators."

Aside from the wisdom of these remarks when the charge is murder one, which does not require that Jimmy be the shooter, I want you to know that Ray repeatedly rebuffed all my extensive efforts to pursue this line with him in the course of the extraordinarily extensive work I did for him as his investigator. I also have correspondence with him and others on this. One element relates to a certain telephone number that all his enemies had and he steadfastly refused to give to his own defense.

During the evidentiary hearing there was no morning, no matter how late at night I worked, that I was not at the marshal's holding cell by the time Jimmy was there. There was almost no morning, no matter how far into the night Jim Loner worked, that he did not follow me there. Most days I left when Jim arrived so I could do other work. We spent many lunch breaks with Jimmy. Moreover, the marshal arranged for his staff to work overtime so we could spend at least an hour with Jimmy each day after court. This went on for the better part of two weeks. There is nothing Jimmy wanted to say that he could not have said. There is much that I wanted him to say in his own interest that he refused to say. And if you want me to produce his written explanation, that he tells lawyers only what he thinks they should know, I can do that. This attitude extended to his investigator. It cost me much time and money and inhibited his defense.

As a matter of fact, without consulting with his defense, Jimmy did file allegations of conspiracy and conspirators in court. You have not bothered to familiarize yourself with the case or the facts of the prior litigation, apparently because this is not a precondition of nationwide attention. If you had, you would know of this and of the fact that when the press checked his allegations out they were found to be totally without basis.

Jimmy told me he had not made those charges from personal knowledge. Do you now want the committee to confront him with this, under oath?

Jimmy has every reason in the world to feel despair. The system of justice for him has been a system of injustice. He also is the victim of a campaign intended to interfere with his ability to help himself, conditions of confinement almost without precedent. Only those who have known him can perceive the changes brought about in him, particularly in his thinking.

However, this gives neither him, if you quote him accurately, nor you any right to defame those of us who have spent countless thousands of unpaid hours in an effort to

help him - an effort into which, armed with total ignorance, you now intrude. You know nothing of the work I have done, where it stands and what its possibilities and probabilities are. You have not been interested enough in Jimmy to ask. This does seem to be your own self-description in this matter. I hope not. If Jimmy did not inform you of what I have reported to him, that does not excuse your failure to make even perfunctory inquiry.

There is nothing in any of the words attributed to you to show that you have any awareness of the actualities of Congressional committees in general or this one in particular, this one especially in terms of its own desperate situation and needs and its preconception of Jimmy's guilt. I have had extensive dealings with this committee. It is unfortunate that you made no inquiry into this. I broke off with it because of the repeated breaking of its promises to protect Jimmy's rights.

The now beleaguered chief counsel personally ordered his staff lawyers not to read the briefs filed in Jimmy's defense on the ground this would "prejudice" them. Jim Lear was with me on November 17 when Dick Sprague gave me this response to my questions about why they had not picked up the copies of the briefs of both aides first I and then Jim Lear offered them.

The previous month I had forced on the committee a box full of records that are exculpatory of Jimmy. It totally ignored the exculpatory, conducted no investigation and filed an official report in which it held Jimmy killed Dr. King. This has been repeated in various ways by individuals on the committee. On February 25 the Speaker of the House went on Washington television with what the committee had told him - that Jimmy was guilty and the only question is about his co-conspirators. The committee represented to him that it is on the "threshold" of a "sensational breakthrough." Your words I quote above are entirely in accord with this prejudicial preconception of Jimmy's guilt by the body before which you now propose to take him under circumstances that make the preservation of his rights totally impossible. It does not require a lawyer to understand this. I am disturbed that you are a lawyer who does not understand or does not care.

There is nothing in this story or in any of the many accounts I have heard on the electronic media in which you address yourself to what has been my concern and the ~~thought~~ of all my work, Jimmy's innocence. You have, in fact, pled him guilty from coast to coast with that which is irrelevant to his defense, his "conspiracy claims" and his alleged desire to "name conspirators." If he can "name" them, he is guilty. Here you will have trouble and have already made the most serious trouble for him because he was offered just this opportunity by the Department of Justice in 1970. He then refused to do what you now claim he wants to do. My own belief is that he can not prove anything.

Your assault upon Jimmy's credibility coincides with a real opportunity to reach the proper officials with a solid defense of him. You thus also at least interfere with that. You may have ended the possibility. I believe you will now have to live with what I assure you is this reality. Jimmy's own and ill-considered letter-writing is more than a sufficient detriment to his credibility.

You really have thrown him to the starving Congressional wolves. They have been conducting a low-grade media event and are self-destructing. They have steadfastly refused to look into the basic facts of the crime. The staff, in fact, invented "proofs" of guilt to deceive the Members. The Members were lied to on this by the staff, particularly by a Department of Justice lawyer, then supported by Dick Sprague.

This story says, "Kershaw, who said Ray retained his last week...." You know this is false. I have known of your representation of him since last year. I was told it was limited to the filing of civil suits. False statements attributed to you added to false statements you attribute to Jimmy are not in any way helpful to him or his defense. They did, of course, get you in the headlines.

I await your written apology for your defaming of me.

If I am asked about any of this by the press I will, of course, tell the truth. A fairly large number of reporters who did investigate Jimmy's earlier representations about conspirators and found them without substance already know. A large number of reporters know the amount of work Jim Laxer and I have done without pay and at our own expense. Four reporters, all with major papers, know of the 1979 Department of Justice offer to Jimmy.

For Jimmy's sake and yours, I do hope there are no inquiries.

It is difficult for me to imagine how you could have done more to damage Jimmy and to hurt and interfere with what I had regarded as his present very good prospects, very good at least until you scuffed the free advertising lawyers cannot buy. This is precisely what ruined Jimmy in the past, with the Haneses and Foreman and their primary obligation to Rule. This was condemned by the appeals court.

You should also know that I will not now convey any of my work to you, directly or indirectly. I will use it as I see fit in my continuing efforts for Jimmy. I still do not believe he killed Dr. King. You have convinced me that you cannot defend him and do not intend his defense. With what you have just done, this also extends to civil suits. I am confident I can be quite helpful in them. Jimmy has known this since not later than 1972. My work has produced much that can be valuable in the civil suits he has in mind. I believe he has been damaged and intimidated to redress. What I do not believe is that this would be your primary concern.

Do not misunderstand this or my motivation. It is not, for example, in pursuit of my own literary rights or interests. I offered all this work to the committee before which you would make a spectacle of Jimmy. They refused it. It seems to me that the committee's refusal to ask for evidence from Jimmy's investigator and then its refusal to accept it when it was offered ought to be more than enough to tell a competent lawyer that this committee offers no hope for Jimmy and is against his interests. If you have the slightest notion of the committee's public statements, you had to know this. If you took your step without reading its report, that, too, is culpable.

In the future I will be writing about this again. I would welcome any explanation or refutation you may care to provide.

Sincerely,

Harold Weisberg